

FRANKLIN CITY COUNCIL
DECEMBER 1, 2014

Members of the Franklin City Council met in regular session on Monday, December 1, 2014, 6:00 p.m. at the Franklin Municipal Building, Mayor Denny Centers presiding.

Roll call showed:

Scott Lipps	present
Matt Wilcher	present
Jason Faulkner	present
Denny Centers	present
Carl Bray	present
Michael Aldridge	present
Todd Hall	absent

There was one member of the press and 7 visitors present at tonight's meeting. Also present: Mr. Russ Whitman, Police Chief; Mr. Ross Coulton, Assistant Safety Director; Ms. Sandra Morgan, Finance Director; Ms. Donnette Fisher, Law Director; Mr. Jonathan Westendorf, Fire Chief; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Zack Osborne, member of the Boy Scouts. Mayor Centers and members of Council welcomed Zack to tonight's meeting.

Mr. Faulkner made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the November 17, 2014 regular meeting; seconded by Mr. Aldridge. The vote:

Mr. Wilcher	yes
Mr. Faulkner	yes
Mr. Centers	yes
Mr. Bray	yes
Mr. Aldridge	yes
Mr. Hall	absent
Mr. Lipps	yes

Motion passed.

RECEPTION OF VISITORS

There were no visitor remarks tonight.

PUBLIC HEARING ORDINANCE 2014-11 ENACTING SECTION 931.19 OF THE CITY OF FRANKLIN CODIFIED ORDINANCES

Ms. Fisher stated that this comes from the Safety Council Committee as some neighborhoods are having problems with people going through trash cans/bags. The Committee has reviewed and recommends adoption of the ordinance. This prohibits opening any closed trash can or trash bag for the purpose of going through or removing any item and also prohibits the removal of items from the recycling bins. The violation will be a graduated scale for fines – not a criminal offense or any jail time.

Mr. Faulkner stated that this was talked about when he was on the Safety Committee. He had a neighbor that had someone going through their trash can/bag and they had concerns about identity theft.

Mr. Bray stated he has received several calls about this wanting to know if this is all the City has to worry about. Bray asked how are we going to police this and is this the last thing that we have to do.

Mr. Lewis stated this isn't the last thing we have to do – as we have a lot of things to work on along with the big issues. This is a concern as the people are not cleaning up the area after going through the trash.

Mr. Wilcher stated that this happened to him – someone going through his trash and leaving a mess.

Mr. Faulkner added that identity theft is also an issue.

Mayor Centers stated it costs Rumpke if items are taken out of the recycling bin; identity theft is concern, okay to take items set out separate by the trash can; this is a concern and he sees no issue with this.

Doug Greathouse, 41 E. Sixth Street, stated this is a petty version of the big problem we have with scrappers. He asked what about people going around and taking scrap, going into yards and stealing grills, etc. and nothing being done about it. Mayor Centers stated that this is a different issue with the trash – what you're talking about is stealing.

Mr. Greathouse stated that this needs to be expanded further besides the trash, to include taking anything from anyone's property.

Mayor Centers opened the Public Hearing and asked for any public comments. There being none, he closed the Public Hearing and asked for any Council comments. There were none.

Mr. Faulkner made the motion to adopt Ordinance 2014-11; seconded by Mr. Wilcher. The vote:

Mr. Faulkner	yes
Mr. Centers	yes
Mr. Bray	yes
Mr. Aldridge	yes
Mr. Hall	absent
Mr. Lipps	yes
Mr. Wilcher	yes

Motion passed.

**PUBLIC HEARING ORDINANCE 2014-12 ENACTING AND ADOPTING THE 2014
SUPPLEMENT TO THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO**

Mrs. McGee stated that this is a housekeeping item updating the Codified Ordinance Book. It includes legislation passed by Council through January 1, 2014 and the Traffic Code through December 31, 2013.

Mayor Centers opened the Public Hearing and asked for any public comments. There being none, he closed the Public Hearing and asked for any Council comments. There were none.

Mr. Bray made the motion to adopt Ordinance 2014-12; seconded by Mr. Faulkner. The vote:

Mr. Centers	yes
Mr. Bray	yes
Mr. Aldridge	yes
Mr. Hall	absent
Mr. Lipps	yes
Mr. Wilcher	yes
Mr. Faulkner	yes

Motion passed.

PUBLIC HEARING ORDINANCE 2014-13 AMENDING CERTAIN SECTIONS OF THE CITY OF FRANKLIN TRAFFIC CODE TO BE CONCURRENT WITH STATE LAW THROUGH DECEMBER 31, 2014

Ms. Fisher stated that this updates the Traffic Code to be consistent with State law through December 31, 2014. The ordinance amends the following sections: 335.08, Driving under Failure to Appear or Pay Suspension, Unruly Child Suspension, Violation or Liquor or Tobacco Laws Suspension or Child Support Suspension; 335.11 Driving under FRA or Nonpayment of Judgment Suspension; 339.23 Load Limits on City Streets and Bridges; 341.061 Misuse of Walking-Impaired Person License Plate or Placard; and 351.03 Parking Prohibitions on Streets and Rights-of-Ways.

Mayor Centers opened the Public Hearing and asked for any public comments. There being none, he closed the Public Hearing and asked for any Council comments. There were none.

Mr. Bray made the motion to adopt Ordinance 2014-13; seconded by Mr. Faulkner. The vote:

Mr. Bray	yes
Mr. Aldridge	yes
Mr. Hall	absent
Mr. Lipps	yes
Mr. Wilcher	yes
Mr. Faulkner	yes
Mr. Centers	yes

Motion passed.

RESOLUTION 2014-34 AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE 2014 ASSISTANCE TO FIREFIGHTERS GRANT ON BEHALF OF THE FIRE & EMS DIVISION

Chief Westendorf stated this authorizes an application for the Assistance to Firefighters Grant Program for the following items: Life Pack 15 (\$42,106); 2-Lucas CPR devices (\$36,242); and two cot mounts (\$57,108). The total proposed project is \$136,456 and the City cost is \$6,822.80 if the grant is awarded.

There was some discussion on current equipment and Chief Westendorf explained how each worked.

Mr. Faulkner made the motion to adopt Resolution 2014-34; seconded by Mr. Wilcher. The vote:

Mr. Aldridge	yes
Mr. Hall	absent
Mr. Lipps	yes
Mr. Wilcher	yes
Mr. Faulkner	yes
Mr. Centers	yes
Mr. Bray	yes

Motion passed.

WORK SESSION - MAKING THE FRANKLIN MUNICIPAL COURT JUDGE FULL-TIME

Mayor Centers stated at the last meeting we appointed a committee to meet on this issue.

Mr. Bray stated they met, everyone has the numbers and we all agreed on the numbers. In 2015, additional costs of \$46,894; in 2016, \$56,546; in 2017, \$57,732; in 2018, \$58,954; and in 2019, \$60,213.

Mr. Wilcher stated that he is bothered about all the different numbers; when we were going door-to-door about the levy, we never discussed this issue; and how will this affect things that we have to do.

Mayor Centers stated we talked about that, may or not work, can eliminate the Secretary if it doesn't work. The Judge's cost is \$17,000+.

Mr. Faulkner stated at first we were looking at \$80,000 General Fund burden; the new figures has the Judge agreeing to cover additional costs (\$60,000+); original projections from Finance Committee, showed in 5-6 years could be subsidizing the Court \$850,000. If we do this, the Judge gets a nice retirement package. Warren County did a court study several years ago, looking at a County wide Court; subsidizing \$800,000+ and this amount will only grow; our State Representative says to wait; we're not addressing the education part; questioned on how many will participate; talked to the Warren County Commissioners and they are waiting to see what happens with Judge Peeler's program; Talbot House has had no success stories; and think we are rushing into this and don't know why.

Mr. Bray stated he sees no problem with this; small amount of money to do; if 12 or even 5 people on heroin are saved, that is a success; you said similar things when we were considering ems; County is not going to consolidate; tried to get the County to do and the County will never do; other department budgets increase; have worked on Court issues last several years; and we know why Representative Maag was here at the last meeting.

Mr. Faulkner and Mr. Bray continued to discuss their differences on this issue.

Mr. Aldridge stated he doesn't think there will be a consolidation with Warren County and questioned why Carlisle and Franklin Township don't contribute to the Court and can it be changed.

Ms. Morgan stated that Carlisle does pay to the City what they collect per State Law and the Township doesn't pay anything.

Ms. Fisher explained the Township doesn't have any of their own laws, there's nothing to enforce. Ms. Fisher also explained what the State law says.

Mr. Aldridge stated his concern is its permanent and not knowing if it will work.

Mr. Faulkner stated he could support this if he knew there wouldn't be a drain on the General Fund; questioned the number of deaths from drugs; a Magistrate could help the Judge now; and to try for six months to one year to see if it works.

Discussion continued on a trial period and financing of the Drug Court.

Mr. Bray added he has no issue with this, the projected numbers are \$46,000 - \$60,213, now to 2019; we spend \$25,000 to \$35,000 on City projects all the time; this might stop some crime and help someone – think that's worth it; don't care about his retirement and his retirement doesn't have anything to do with this. Mr. Faulkner stated it's frustrating he's combined this with an issue we care about and he benefits from it.

Mr. Faulkner asked Mr. Lewis if he supports this.

Mr. Lewis stated that he doesn't vote on this. As City Manager, it's the Probation Department that continues to grow and the Court increase is very small compared with other departments.

Mr. Lewis stated it's your decision, for you to decide if it is worth it; his concern is putting people on

Medicaid; vivitrol does work as long as you're on it, but what happens when they stop; no money available for the shots if there is not a Drug Court; education is also needed and what would you call a success – need to ask yourselves that.

Mayor Centers stated for the dollar amount starting out with, think it is a reasonable amount; if save 4 or 5 lives, it is worth, but is unknown; appreciate we are considering taking a pro-active move on heroin control and addiction; is a vehicle to help people, is new and don't know if it will be successful.

Mr. Faulkner asked Mr. Lewis if the City needs a full-time Judge.

Mr. Lewis stated, as he has said to the Judge, don't think the City should make a life time commitment and the Judge is only making a 3 year commitment; don't know if it will be successful; if you think Police overtime will go down, you will be disappointed, Police Department doing a fantastic job but other things will take its place; it's what you think and want out of the program; you are not voting on the program, a Drug Court; the Judge says he is going to have Drug Court; and the issue is do you want a full-time Judge or Magistrate.

Mr. Wilcher stated there are too many 'what if's' about this program, need to test it.

Mr. Faulkner stated another Judge may say this not a priority for him and hire a Magistrate to do.

Mr. Aldridge stated there is going be a Drug Court; he's struggling with a full-time Judge or Magistrate; not knowing if it is going to work; and the drug problem could get worse but the Drug Court is only going to help.*

Mr. Wilcher stated he can't see that it would get any worse, but it could.

Mr. Bray stated he thinks it can get worse.

Mr. Faulkner stated he doesn't think everyone is thinking big enough; think consolidation could happen and compared this to when the City left JEMS.

The discussion continued on the possibility of County wide Court; County is waiting to see what the State does and the results of Judge Peeler's Drug Court; and a new Commissioner will be seated in January.

Mr. Lipps asked how the Secretary position can be eliminated. Mayor Centers stated the Judge said he would do it; he won't let costs get out of hand and we don't know who the next Judge will be and what will happen.

Mr. Wilcher stated he has problems with the taxpayers paying more; need to explore other options and having a hard time with this being permanent.

Mayor Centers stated we do permanent things; for example, we have spent \$1 million on remote meter reads without much discussion; this is an additional \$17,000- \$30,000, already have a full-time Court; looking at adding a couple more Court days; we are trying to make the right decision and he appreciates everyone's position on this.

Mr. Faulkner added, in addition to providing justice, we are dispensing rehab and drugs and don't know what the liability will be – need to be able to control the costs.

Mayor Centers stated we've had much discussion on this tonight.

CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- HB 5 is coming out of Committee, being sent to the assembly for a vote by the end of the year. If it passes, as written, City may lose \$400,000 in taxes. Tax rate structure not changing; the Corporate Business tax could affect us and there are questions on the other changes that could affect the City
- City has lost \$800,000 in Local Government funding in last six years; income taxes to date are down \$600,000; last year had a big December and hope for the same this year
- The State has taken a lot of money the last 5-6 years from Cities, need to reach out to our State legislators and express our concerns; will hurt us and other Cities; lost CAT in 2012, and before that, lost Personal Property and last year, lost the Inheritance Tax
- Testimony will be given tomorrow at the State, we've written letters in support
- Don't know what the impact will be as there are many parts to the bill

Mr. Aldridge asked where our legislators stand on HB5. Mr. Lewis stated they are non-committal. Mr. Bray stated they won't commit.

Mr. Lipps stated he met with Shannon Jones recently about it and she is not in favor of it but said she needed to see the committee report and that she is in favor of the consolidation part – unifying the tax forms.

Ms. Morgan stated that the OML has been working with the committees on making the collection process more uniform; the committees have thrown out most of the suggestions; the Cities are willing to cooperate and recognize that uniformity is an issue but it doesn't have to impact everyone's revenues.

LAW DIRECTOR'S REPORT

Ms. Fisher stated that action will be taken by the end of the year on HB5; is unknown what will come out of the Committee; and can't say exactly what we will lose until see what's passed.

COUNCIL COMMENTS

Mr. Aldridge thanked everyone for coming tonight; and the business on 2nd Street (NY NY) has flashing lights and it is very tacky – can anything be done about it.

Mr. Bray thanked everyone for coming tonight; and it's time for contract employee reviews. Mr. Bray and Mr. Wilcher will do the reviews.

Mr. Lipps thanked everyone for coming tonight; spirited discussion tonight; and hopes Zack does well in the scouting program.

Mr. Wilcher agreed with Mr. Aldridge about the lights at NY NY; and had a recent incident at Walmart where a lady had been hit by a car and was on the ground behind his car; called 911, Police and Fire responded quickly, people in the parking lot responded to help her – and that's what he likes about the City.

Mr. Faulkner thanked everyone for coming tonight; asked if we know what's going on with the vacant General Dollar Store; asked about the legislation that was considered at Planning Commission, about limiting Dollar General stores; and the Christmas lights look great.

Mr. Lipps asked about the status of the Marsh building. Mr. Lewis stated he doesn't know of anything; he has reached out to Marsh and the General Dollar store, no contact from either.

Mayor Centers thanked the Scouts for coming tonight; thanked everyone for coming tonight; and like hearing the positive comments about our City.

Mr. Faulkner made the motion to adjourn; seconded by Mr. Aldridge. The vote:

Mr. Hall	absent
Mr. Lipps	yes
Mr. Wilcher	yes
Mr. Faulkner	yes
Mr. Centers	yes
Mr. Bray	yes
Mr. Aldridge	yes

Motion passed.

Mayor Center adjourned the meeting at 7:25 p.m.

Mayor

Clerk of Council

*corrected